

## REMARKS

### **Claim Amendments**

Claim 1 has been amended to correct a typographical error. The proposed amendment thus places the claim in better condition for appeal.

### **Interview Summary**

The applicant thanks Examiner Fields for the phone interview held on April 11, 2006 with Thomas A. Brown and Misha Hill. The examiner and the applicant discussed the applicant's arguments that the cited references fail to anticipate several elements of claim 1. These arguments are presented below.

### **Section 103 rejection**

The applicant believes that the arguments presented in reply to the office action of July 1, 2005 are still applicable. The new grounds of rejection added a second reference, Sheymov, under 35 U.S.C. 103(a), but that reference was not alleged to supply all of the elements missing from the original reference, Roland. Thus, the new grounds of rejection do not render moot the original argument.

In particular, Rowland does not describe and would not have made obvious "defining at least one intrusion detection profile ... including a set of item access rates, one of which includes a definition of a number of rows that may be accessed in a predetermined period of time," as in claim 1. The examiner seems to interpret this limitation as being met by the "profile ... of the days, times, and length of time that the user has logged in" (col. 5, ll. 21-23) and the "odd login time module" (col. 9, ll. 21-36). These elements of Rowland do not, however, correspond to the claimed invention.

The profiles described in Rowland identify "the days, times, and length of time that the user has logged in" (col. 5, ll. 21-23), and use this to determine whether the current login attempt is consistent with the previous logins described in the "past data collected for this user" (col. 9, ll. 22-23). The profiles do not identify a number of times anything, let alone rows of a database, may be accessed in a predetermined period of time.

For the profiles in Rowland to be useful, they must have a sufficient sample size of previous logins. This is what Rowland is referring to by a "threshold number of user logins" (col.

5, ll. 23-24) and “the odd login time module 184 runs only after a predetermined amount of user logins have been collected” (col. 9, ll. 25-26). This does not refer to a limit on the number of logins.

As argued in the previous reply, Rowland does not describe a database. Sheymov mentions a database, but does not describe and would not have made obvious “receiving a database query from a user” or “determining that execution of said query causes said user to exceed an item access rate” as in claim 1. Sheymov describes “*using* hacker information stored in [a] database” as part of an intrusion detection system (§[0043], emphasis added). Using a database to detect system intrusions is not the same as “determining that execution of [a database] query causes [a] user to exceed an item access rate,” as required by claim 1.

Neither Rowland, Sheymov, or their combination include all the elements of Claim 1. Further, even if Sheymov includes accessing a database, its combination with Rowland would not have made obvious “determining that execution of [a database] query causes [a] user to exceed an item access rate,” because both Sheymov and Rowland describe securing a system, and neither suggests either securing a database or using item access rates to secure anything.

The dependent claims are allowable for at least the same reasons as the claims on which they depend.

The applicant requests that the rejection be withdrawn and the claims found patentable. In the event that the rejection is not withdrawn, the applicant requests that the amendment to claim 1 be entered in accordance with 37 C.F.R. 1.116(b)(2) to place the claims in better form for consideration on appeal.


No fees are believed due at this time. Please apply any charges or credits to deposit account 06-1050.

Applicant : Ulf Mattsson  
Serial No. : 10/034,996  
Filed : December 28, 2001  
Page : 6 of 6

Attorney's Docket No.: 17299-009001

Respectfully submitted,

Date: 4/28/06

  
\_\_\_\_\_  
Thomas A. Brown  
Reg. No. 54,619

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

21307868.doc